



# State of Utah

DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF WATER RIGHTS

Michael O. Leavitt  
Governor

Ted Stewart  
Executive Director


Robert L. Morgan  
State Engineer

1594 West North Temple, Suite 220  
Box 146300  
Salt Lake City, Utah 84114-6300  
801-538-7240  
801-538-7467 (Fax)

January 2, 1998

## MEMORANDUM

To: Staff

From: Robert L. Morgan, P.E., State Engineer 

Subject: Policy Boundary between Milford and Black Rock Districts  
in the Escalante Valley Hydrologic Area (71 Area)

### PURPOSE OF THE POLICY BOUNDARY

The purpose of this policy is to define the boundary between the Milford district which is considered fully appropriated [per 73-3-8(1)(a)] and the Black Rock district which is open to limited appropriations and to thus prevent the accretion of additional rights in the declining aquifer of the "Milford Flat" and areas tributary to that aquifer.

### ESTABLISHED POLICY

The areas within the Escalante Valley lying south of the established boundary ("Milford district", "Nada-Lund district", "Beryl district" and "Enterprise district") will continue to be considered closed to all new appropriations of water for consumptive use(s). Non-consumptive filings (geothermal, hydropower, etc.) will be considered on their individual merits and on the basis of pertinent considerations from 73-3-8 (UCA 1953).

The area north of the established boundary, the "Black Rock district", will be considered open to limited appropriations, including:

- 1) Small (0.015 cfs-type) permanent appropriations limited to:
  - a) A showing of immediate need for water;
  - b) Approval with five years within which to perfect; limited extensions;
  - c) One family domestic, 1/4-acre irrigation, 10 ELU; or equivalent (1.73 AF);
  - d) Statutory considerations under 73-3-8 (UCA 1953).
- 2) Fixed-time or temporary appropriations limited to:
  - a) A showing of immediate need for water;
  - b) Approvals for a maximum of 10 years time and 50 acre-feet annual diversion;



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- c) Fixed-time applications and extensions thereto must be advertised;
  - d) No applications will be approved for agricultural (irrigation/stockwatering) or agri-industrial uses which are inconsistent with a fixed-time approval;
  - e) Statutory considerations under 73-3-8 (UCA 1953).
- 3) Non-consumptive (geothermal, hydropower, etc.) filings subject to prior rights and 73-3-8 (UCA 1953).

The point of diversion of perfected water rights may be moved by change application (permanent or temporary) from the Milford district into the Black Rock or Nada-Lund districts, but not the other way. Rights moved by permanent change into the Black Rock or Nada-Lund districts and there perfected may not be later moved back into the Milford district under this policy.

**LOCATION OF BOUNDARY LINE BETWEEN MILFORD & BLACK ROCK DISTRICTS**

The boundary is established as follows (all descriptions SLB&M):

Beginning at the point on the eastern hydrologic basin boundary where said boundary intersects the township line between T27S and T28S; thence westerly along the township line to the SE Corner of Section 36, T27S, R10W; thence northwesterly to the corner common to Sections 17, 18, 19 and 20 of T27S, R10W; thence westerly along section lines to the N $\frac{1}{4}$  Corner Section 23, T27S, R11W; thence southerly to the S $\frac{1}{4}$  Corner of said Section 23; thence westerly along section lines to the north right-of-way line of State Highway 21; thence northwesterly along said right-of-way line to the westerly boundary of the hydrologic basin.

/gm